

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF MISSISSIPPI

ARC CONTROLS, INC.

VERSUS

CASE NO. 1:19-cv-00391-LG-RHW

M/V NOR GOLIATH., *In Rem*, and
GOLIATH OFFSHORE HOLDINGS
PTE.LTD, *In Personam*

VERIFIED COMPLAINT IN INTERVENTION

The Verified Complaint of plaintiff-in-intervention, Curtin Maritime Corporation (“Curtin”), against M/V NOR GOLIATH, her engines, tackle, and appurtenances, *in rem*, in causes of breach of maritime contract and foreclosure of maritime liens, respectfully represents as follows:

Jurisdiction

1.

This is an admiralty and maritime claim within the meaning of 28 U.S.C. §1333, Rule 9 (h) of the Federal Rules of Civil Procedure, and the Federal Maritime Lien Act, 46 U.S.C. §31301, *et seq.* Curtin is entitled to intervene as of right according to Rule 24(a) of the Federal Rules of Civil Procedure.

Parties

2.

Plaintiff-Intervenor, Curtin, is a corporation organized and existing under the laws of the State of California, having its principal place of business at Long Beach, CA. Curtin owns and operates a specialized towing/towboat chartering business and it furnished pre-arrest necessities to the M/V NOR GOLIATH, now within this District.

3.

M/V NOR GOLIATH (hereinafter the “GOLIATH”) is a 180-meter long steel hulled industrial crane vessel registered in the Marshall Islands bearing IMO Registration No. 9396933 that is now or will be during this action within this District and the jurisdiction of this Court.

Facts

4.

At the request of Epic Companies, LLC (“EPIC”) and/or the owner or charterer of the GOLIATH or its authorized agent, Curtin provided necessities to the GOLIATH commencing May 24, 2019. Specifically, CURTIN, as owner of the towing vessel, M/V SHIRLEY C, provided towing services to EPIC pursuant to a Master Time Charter and Towing Agreement and Charter Order (collectively “charter documents”). Copies of the charter documents are attached hereto and incorporated as Exhibit A; and a copy of Curtin’s supporting invoice in the principal amount of \$19,500.00 is attached and incorporated as Exhibit B. Curtin reserves the right to amend and supplement its claim to include additional ongoing and accruing unpaid invoiced amounts.

5.

The foregoing pre-arrest towing services provided by Curtin to the GOLIATH were necessary for the operations of the GOLIATH in its ordinary trade, and have a fair market value in the total principal amount of \$19,500.00 and as well in the further amounts of additional invoices that have been, or may become issued, for services rendered to the GOLIATH (exclusive of interest, costs, and attorney’s fees), none of which has been paid despite amicable demand.

6.

EPIC has failed to make payments to Curtin for such towing services.

7.

As shown by the attached Verifying Affidavit, the foregoing allegations are true and correct and within the admiralty jurisdiction of this Court.

8.

Pursuant to the general maritime law and the Federal Maritime Lien Act, Curtin has one or more maritime liens against the GOLIATH totaling \$19,500.00, plus additional ongoing and accruing amounts due, pre-judgment and post-judgment interest, costs, attorney's fees, and collection expenses.

9.

Pursuant to the provisions of the Federal Maritime Lien Act, Curtin is entitled to have this Court recognize its lien(s) against the GOLIATH and is entitled additionally to judgment against the vessel in the full amount of its claims, plus interest, costs and attorney's fees.

10.

As a result of EPIC 's refusal to pay Curtin the sums owed as aforementioned, Curtin is entitled to judgment against the M/V NOR GOLIATH in the amount of its claims, plus attorney's fees, interest and costs; her engines, tackle and apparel, and to have the M/V NOR GOLIATH seized and sold by the United States Marshal or other person authorized by the Court to satisfy these claims and said liens asserted herein by Curtin. Curtin further avers that it is entitled to the first monies received from said seizure and

sale following satisfaction of the expenses of the legal administration of the vessel while *in custodia legis*.

WHEREFORE, Intervenor, Curtin Maritime Corporation, prays that citation be issued and served upon the M/V NOR GOLIATH, her engines, tackle and apparel, in the form and manner prescribed by law and that, all persons claiming interest in said vessel may be cited to appear and answer the matters aforesaid, and that, after due proceedings are had, judgment be entered against the M/V NOR GOLIATH and in favor of Curtin Maritime Corporation in the sum of \$90,000.00 and all additional sums due, plus interest, costs and attorney's fees.

CURTIN further prays that the M/V NOR GOLIATH, her engines, tackle and apparel, be seized, condemned and sold to pay such sums, and for such other general and equitable relief as this Honorable Court deems proper.

Respectfully submitted:

s/André J. Mouledoux

GERARD J. DRAGNA (MS Bar #104083)

ANDRÉ J. MOULEDOUX (*Pro Hac Vice*)

TREVOR M. CUTAIAR (*Pro Hac Vice*)

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CERTIFICATE OF SERVICE

I hereby certify that on July 22, 2019, I electronically filed the foregoing with the Clerk of Court by using CM/ECF system which will send a notice of electronic filing to all CM/ECF participants.

I further certify that I mailed the foregoing document and the notice of electronic filing by first class mail to the following non-CM/ECF participants: None.

s/André J. Mouledoux

3 MARMAC INTERVENTION.docx